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United States Patent A	AND TRADEMARK CO.	United Status (COMMISSIONER OF Address: COMMISSIONER OF 2023) Washington, D.C. 2023 Www.uspto.gov CONFIRMA	TION NO.
UNITED STATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO. CONTIGUES 230.008 77	
FILING DATE	Michael Holmstrom		
APPLICATION NO. 06/07/2001 09/877,394		EXAMINER BAREFORD, KATHERIN	EA
12/12/2002		BAKEI	TO OPER

7590

David D. Stein

Suite 1030 250 E. Wisconsin Avenue Milwaukee, WI 53202

PAPER NUMBER ART UNIT

1762

DATE MAILED: 12/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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		Dlicant(s)	
	Application No.	HOLMSTROM, M	NCHAEL
	09/877,394	Art Unit	
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1) Responsive to community 2a) This action is FINAL. 3) Since this application is in condition closed in accordance with the practice of Claims	for allowance except for for	mai mailo.57, 453 O.G. 21	3.
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4a) Of the above is/are allowed.			
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6) Claim(s) is/are objected to. 7) Claim(s) is/are subject to restrict to rest	tion and/or election require	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
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Application Papers 9) The specification is objected to by 10) The drawing(s) filed on is/a Applicant may not request that any 11) The proposed drawing correction	objection to an is; a) ☐ app	roved b) Li disappro	•
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Attachment(s) 1) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawin 2) Notice of Draftsperson's Patent Drawin (compation Disclosure Statement(s) (F	a Review (PTO-948)	6) Other:	
1) Notice of References Cited (F10-665) 2) Notice of Draftsperson's Patent Drawir 3) Information Disclosure Statement(s) (f	TO-1449) Paper No(s)		Part of Paper N
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US Patent and Trademark Office PTO-326 (Rev 04-01) Application/Control Number: 09/877,394

Art Unit: 1762

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-4, drawn to a device, classified in class 118, subclass 300.
 - II. Claims 5-8, drawn to a method, classified in class 427, subclass 421.
 - III. Claims 9-11, drawn to a nozzle, classified in class 239, subclass 566.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions II (process) and (I and III) (both apparatus) are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process.

 (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process, such as spraying water for cleaning.
 - 3. Inventions I and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes of operation, since Invention I, for example, is a device for spray extrusion of coating material, while Invention III can be used to spray low viscosity materials such as water.

Application/Control Number: 09/877,394

Art Unit: 1762

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. A telephone call was made to Mr. Stein on Dec. 3, 2002 to request an oral election to the above restriction requirement, but did not result in an election being made. On Dec. 3, 2002, Mr. Stein left a voice mail message requesting a written restriction.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine A. Bareford whose telephone number is (703) 308-0078. The examiner can normally be reached on M-F(7:00-4:30) with the First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P. Beck can be reached on (703) 308-2333. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

ATHERINE A. BAREFORD PRIMARY EXAMINER GROUP 1100 (XXX)